App. F. IX-4

Previous References

1926-27 (66-7)

PRESERVED

File No. 308/26

Serial Nos. 1-8

Later References

AGDC/856-28

66-84-28, 1-8

66-41-30, 1-2

27-35-(5-6)

107-36(1-2)

175-36(1-2)

General and Revenue Secretariat.

Serial Nos. Eight

Part B for Dec 1928

SUBJECT

G. R. S. 11]

1926-27

GENERAL AND REVENUE SECRETARIAT.

(bds)

NOTES.

File No. 308-26

FILE HEADING.

Rules to regulate the Classes of Cases to be tried by Benches of Hony Magistrates & matters connected therewith

From

No.	Dated		Received
Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

CS-108-26-1

5714
P 62

Mysore Representative Assembly.

Memorandum of Subjects proposed for discussion in the Budget Session of the Representative Assembly for the Mysore District. For the Birthday Session of June 1927.

---oOo---

VII

Serial No.	Summary of representation.
Subject:- Formation of a Committee for selection of Bench Magistrates.	It is prayed that a Committee consisting of non-officials not bench Magistrates and who who are selected from the various Taluks of the District be appointed to help the District Magistrate in selecti persons to serve as Honorary Bench Magistrates in the Taluk Head Quarters.
Name of the member proposing the same.	
Messrs. 1. M.C. Linge Gowda 2. S,C. Malliah 3. Linga Gowda alias Ahnu Gowda, Mandya Rural	

Ld

In the course of discussion on subject no 67 of ~~October~~ Dasara Session 1925, Mr. G. Paramaswaiah suggested that a small committee be appointed for the selection of Bench Magistrates in each of the districts of which the Dist Member of Council said that Government were taking every care to select suitable men as Bench Magistrates, and that no Committee was called for. On this it was observed that the proposal is impracticable and unsafe.

My comments recommendation -

28/5/27 Ld 31/5

Impracticable and unsafe.

28
31/5

31/5/27

App. F. III—2]

General and Revenue Secretariat. | File No. | of 192 .

S

No 40 R/R Law Dept

Please Dr. I. Sonde Esq
to attend the C.P. Rules Committee Meeting on Wednesday next.
Please inform us &c.

Sec
10/6.

Ld

There is no information in this office. The Reading or the Regr. Bnch Court may perhaps be asked to get a set of rules in the central Provinces and forward the same to Govt. Ld with a draft to the Reading.

Draft issued.
Sne 6 Regn

2/6.

To

The Regn Chief Court

Dis 36 dt 4.7.27.

Request to forward a copy of the Rules [illegible]

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

530

App. F. III—2]

General and Revenue Secretariat. | File No. 308 of 1926-27

Serial No. 2.

From

The Regr Judl Court

Letter no Roc 18/27-28 dt 22-7-27

States that the Regr judicial commissioners court Central Provinces Nagpur intimate, that a reference may be made to the Secy to govt of the C.P. in the Judicial Department and enquires whether the Judicl court may write to the Secy direct or whether the govt itself will be pleased to write to him in the subject.

Submitted with drafts to the Residency & Regr. the present Secy may perhaps address the Residency. Registrar may be informed accordingly.

Draft submd.

Secy (J-D) 28/7

Secy 28/7

29-7

29-7

971/30/7

30/7

1.8

To the Secy to the Resident

No Roc 168 dt 2-8-27

Request to obtain & forward a copy of the rules from the Govt of C.P. if there is no objection.

NOTE—Contn. sheet.

WD 0321 -GPB—60,000—24 5-27

1555
536

App. F. III—2]

General and Revenue Secretariat. | File No. | of 192 .

Serial No.

To The Regtr Chief Court
No P 796 d 3-8-26
States that the Residency has been addressed in the matter
from
The Secy to the Resident
memo no 9385 d 14.9.27
forwards a copy of letter d 2.9.27 from the
Chief Secy to the Govt of Central Provinces, Nagpur
stating that no committee consisting of
non officials has been appointed for the
selection of persons to be appointed as Special
Magistrates, and forwards a copy of the Rules under
section 12(3) and 15 of the Criminal Procedure code.
Ended
The Rules framed by the Govt of Central
Provinces, do not provide for selection of
Bench magistrates by a committee consisting of
non officials. Majority of these rules seems suitable
to our State and if approved the Chief Court
may perhaps be consulted as to whether the rules
cannot be adopted with local variations. Put up
for consideration whether memo. may be forwarded
to be informed that there is no committee
in Central Provinces for the appointment of
Bench magistrates.
Recommended for perusal

NOTE—Contn. sheet.

WD 0324 GPB—60,000—24 5-27

Serial No.

of the rules issued by C.P. Govt.
From Rule 3. it appears that the D.Y. recommends persons for the appointment after consulting officials and non officials.
There is no Committee appointed for selection of Panch Benchmarks.

3298/25/10

Leg d-d) 25/10

b) I have gone through the Circular issued by C.P. Govt in Re Town Planning Schemes.

1) This contains many useful Suggestions which may with advantage be adopted in Mysore.

1st Memo.

25/10.

25/10

Please draw up a Circular with suitable modifications.

27/10

27.10.

28/10

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-21

1555.

App. F. III—2]

General and Revenue Secretariat. | File No. | of 192 . | 7

Serial No.

13

Subd with a statement showing the rules in the central Provinces and the corresponding Rules in Mysore with suggestions where they differ. After orders are passed in each case, the present Rule would be consolidated & amended

14/III/27 APA 7/12

17

Subd with a statement showing the Instructions & Rules of the C.P., the orders & Rules in force in Mysore & the points for orders.

Subd for orders.

Key 12/1

Please see W.P. 8/12 8/12

Instruction 8. Is there no instruction now issued for submitting such recommendations through the Chief Court?

8/12 9/1

Kind attention is invited to III in pages of the Criminal Rules & Orders Vol I. wherein it is laid down that recommendations for the investiture of magisterial powers should not be made direct to Govt by the D.Js but such recommendations should invariably be sent through the Chief Court except when Third Class powers are concerned. This rule is in force in respect of investiture of powers to individual officers and not to Bench Courts about which recommendations are received direct from the D.Js.

NOTE—Contn. sheet.

3/ 11/1 APA 11/1

Law Member to see 8/1 16/1 16/1

WD 0324 -G.P.B.—60,000—24 5-27

Serial No.

The Law Secy directed that this Statement
first up may be got typed with the pencil copy
of Secy leaving space for Secys opinion
and Members orders to be with typed statement

8
17/12/28

A draft circular will be
put up after orders are passed
on the suggestions made in the
statement as to which of the C.P.
Rules may be adopted.

In connection with Rule 2
of the C.P. Rules it is submitted that this
Rule would be far more effective
if the local jurisdn. of Bench Courts
is limited to the particular town or
village where the Hon. Magistrs forming
the Bench concerned reside. ~~[illegible]~~
At present, except in a few cases, the
local jurisdn. extends to a whole taluk
~~[illegible]~~ and it is felt that the influence
of public opinion on the Magistrs
is consequently feeble. If the jurisdn.
is limited as indicated above, one of the
objects of establishing these Courts viz.
providing facilities to the people [illegible] in
petty cases, will be defeated; but the working
of the Bench Courts, which is, now the

NOTE.—Contn. sheet

WD 0324—GPB —60,000—24-5-27

Serial No.

Subject of much comment, is likely to improve materially.

4 It seems to be under contemplation to appoint retired officers, who have while in service exercised 1st. class powers and have after retirement settled down in the cities of Mysore & Bangalore, as Honorary Magistrates for these cities. When this idea materialises, Rules 5, 6 & 8 of the C. P. Rules will be necessary and may therefore be adopted in toto, necessary changes being made in regard only to the designations of such officers in Rule 6.

Secy) 2/2

20/2

I have given my opinion on each of the Rules in force in C.P.

1st Member 8/2 29/2

7(3)/1/28

2 I agree with Law Secy Except re 11 on page 2. As local Laws are proposed to be taken away Seizure, presses rule re Police reports has to continue.

4 A Dept GO. with the Rules as proposed by the Govt of India.

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

Ltr 1/3/28 1.3.28

1555 9 7

App. F. III—2] 9/10

General and Revenue Secretariat. | C.S. File No. 308 of 1926-27.

Serial No.

25 Sent with a draft for consideration as directed

Secy) 2/3

26 Revised draft may be approved

1st Asstt. 2/4

27 Some of these points are for Chief Court; & it is desirable to obtain the opinion of Chief Court before issuing the F.O.

3/4/28.

28 Draft forwarding the proposed rules to the Ch. Ct. for opinion. 3/4

29 Sent with draft

30 The file may perhaps be returned unofficially. 4/4

Secy) 31 Yes 4.4.

27-28 C. No 1237

32 Forwarded with compliments to the Registrar, Chief Court, for favour of obtaining & communicating the opinion of the Chief Court on the proposed rules.

By order,
Secretariat
for Secy to Govt
Law Dept
5/4/28

U. O. No. 954 of 5/4/1928

NOTE—Contn. sheet.

WD 0824—GPB—60,000—24-5-27

App. F. III—2]

General and Revenue Secretariat.

File No. of 192 .

Serial No.

No. D. Dis. 219 & 21 5/28
27-28

S.

8-1
27/5/28

33

Chief Court of Mysore,
Bangalore, 21st May 1928.

Returned, with compliments. Reference to the statement flagged S.

1. Conditions in Central Provinces differ materially from those in Mysore. There is no separation Scheme in Central Provinces as we have here. As the separation Scheme divised here resulted in the location of Special Courts at the District and Taluk headquarters, Bench Courts have to be thrown open more largely in the mofussil and rural parts of the State in order to afford facilities to the people living in the outlying taluks and villages to obtain cheap and speedy disposal of petty cases nearer their homes. The Judges do not think that in this State a hard and fast rule of this kind can usefully be adopted.

2. As it is not the intention to invest Benches except at District headquarters with second class powers, clause (d) may be omitted and the rest adopted.

3. May be adopted.

4. (1) and (2) may be adopted and (3) omitted.

5. Existing rule may be continued. The Judges agree that at the present stage it is

NOTE—Contn. sheet.

WD 0324—GPB—60,000—24-5-27

Serial No.

not desirable to empower Honorary Magistrates to sit singly.

6. May be adopted.

7. May be adopted.

8. The Judges agree with the Assistant Secretary. The existing practice in regard to investiture of powers may be continued.

9. May be adopted.

10. District Magistrates are now required to inspect the Courts once a year, and the present practice may be continued. No change is necessary.

11. Present practice may be continued. Otherwise, police officers of places other than the one where the Special Court is situated will have to travel long distances to place charge sheets in petty cases.

12. I. The existing practice may be continued. The proviso may be adopted. The Judges do not believe that Government servants complaining or accused as such are meant by the proviso. There is no room for the fear anticipated by the Assistant Secretary.

II. Unnecessary. The present rule is sufficient.

NOTE—Contn. sheet.

WD 0324 -GPB—60,000—24-5-27

III. Unnecessary.

IV. Existing rule is sufficient.

V. Unnecessary.

VI. Unnecessary.

VII. Unnecessary. Wherever necessary, the District Magistrates are now continuing the same Bench beyond the period of its ordinary sitting to dispose of part heard cases.

VIII. Same as our rule.

IX. According to the Central Provinces rules where the Bench consists of only two members and they differ in opinion as regards the guilt of the accused, the opinion of the Chairman whether he is in favour of acquittal or conviction prevails. But according to the rules in Mysore in similar circumstances there should be an acquittal. The Judges of the Chief Court are in favour of adopting the Central Provinces rule as generally the Chairman is a more capable person than his colleague in estimating more correctly the guilt or otherwise of the accused.

X. May be adopted. Will be of use to the appellate court.

XI. Existing practice may be continued.

1558/9. (13 12

P.S:-- The existing rules in regard to the pecuniary limit of Rs.50/- imposed in Government Order No.J.4910-18 Cts. dated 25th April 1922 (page 7, Volume I, Criminal Rules), as well as the incompetency of Patels sitting as Magistrates to hear cases put up on police reports may be retained. (Government Order No.P.5767-77 dated 11th May 1926, page 7, Volume I, Criminal Rules).

The Rules as revised may be separated into two parts.

Rules 1 to 9 in the draft may issue as Circular instructions and not as part of the Rules proper. The remaining portion which really constitutes the Rules framed under the provisions of the Criminal Procedure Code may be issued as rules proper under separate Government Notification.

REGISTRAR.

TMN/

I have indicated in red ink, both in the statement marked S & the draft Rules, the changes suggested by the Chief Secretary. Please put up a draft Circular & a draft order as suggested in the last para of the note.

26/5

General and Revenue Secretariat. Ch File No. 308 of 1926

Serial No.

86 Dft. Notifications and a Dft. Circular letter as directed put up

37 Please put up typed drafts as revised

38 Typed drafts as revised

39 The existing rules have been consolidated & the new adopted from the C.P. Rules are very few.

40 Law scrutinised the drafts prepared in accordance with my own views & also of the Chief Cond.

41 Drafts may perhaps be approved

42 This appears to be the only circular rule at present for Mahomedan petitioners

43 Kannada is the language of the Hon. Majesty are not usually invested with the power to take down evidence in English. It is necessary therefore that the Chairmen of the Benches at least should be able to record evidence in Kannada.

* Office please search the references to the rules in force & the rules in the drafts are taken from & bring the file to the Secy.

North—Contn. Sheet.

S.D. 01714—G.S.S.—20,000—16-4-26

155597

App. [redacted]

Judicial and Revenue Secretariat. | File No. 58 of 1926 | [redacted]

Serial No.

Other members of the Bench should also be able to do so as under para 6 of the draft notification they may refer to record evidence. Para 1 (b) of the Circular seems therefore to be necessary.

485/1117

44 Mahomedan gentlemen in Mysore, particularly of the rank from which selected for appointment as Hon. Magistrates should be able to record the proceedings in their own language.

Secy) 45 3rd Mem^r

Para 1 (b) leaves with accused the option of work as Lordship or Mahomedan who he may have made.

n/17

46 Is there any objection to the suggested proposal? If not, let a notification please be issued.

47 Para (1) of the draft Circular has been slightly revised in accordance with Members' instructions.

Secy) 3rd Mem^r

approved by [illegible]

[illegible]

NOTE—Contn. Sheet.

WD 01714—GPE—30,000—16-4-26

13587

App. [illegible] III—2]

General and Revenue Secretariat. C6 File No. 308 of 192 6

17/1

Serial No.	
7	No 322 of 16. 7. 28 issuing rules to regulate the classes of Cases to be tried and the Conduct of trials by Benches of Honorary Magistrats
8	No 332—9 of 17. 7. 28 issuing instructions in the matter of the appointment of Honorary Magistrats.

B 13/12

NOTE—Contn. Sheet.

WD 01714—GPB—80,000—16-4-28

S 36/P 27

Telgm: "JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore 22nd July 192 7.

R. O. C. No. 10 / 97-8 Dis.

1

CS 308-26-3

From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

B. NAGAPPA, Esq., Bar-at-law.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Law Department,
BANGALORE.

Sir,

I am directed to acknowledge the receipt of your letter No. P. 36 cts. 308-26-2 dated the 4th July 1927, requesting to obtain and forward a copy of the rules regarding the formation of committees consisting of non-officials in the Central Provinces, for the selection of persons to be appointed Honorary Special Magistrates to serve on the Bench Courts under Section 14 of the Code of Criminal Procedure, 1904.

In reply, I am to forward herewith a copy of letter No. 4897 dated the 18th July 1927 received from the Registrar, Judicial Commissioner's Court, Central Provinces, Nagpur, stating that a reference may be made to the Secretary to Government of the Central Provinces, in the Judicial Department, in the matter, and to request to be informed whether the Chief Court may write to the said Secretary direct or whether the Government itself will be pleased to write to him on the subject.

I have the honour to be,
Sir,
Your most obedient Servant.

A. Sreenivasaragavachari
REGISTRAR. 23/7/27

KVN/-

Letter No. 4897 dated the 18th July 1927 from the Registrar, Judicial Commissioner's Court, Central Provinces, Nagpur to the Registrar, Chief Court of Mysore, Bangalore.

With reference to your letter No. 18/27-28, dated the 6th current, regarding the Committees for the selection of Honorary Special Magistrates, I am directed to say that the matter may be referred to the Secretary to the Government of the Central Provinces, in the Judicial Department.

" C O P Y "

REGISTRAR.

KVN/-

APP. F. VI. Gl.]

SUBJECT..... 3

.....

.....

Diary No. of letter replied to.....

Section 06
File No. 366-26
Serial No 4

No. 90 Pol. 1187

To

The Secretary to the Government of India

Sir

I am directed to state that at the recent discussion in the R.A. it was brought to the notice of Govt that Committees consisting of non-officials are appointed in the Central Provinces for the selection of persons to be appointed to honorary judicial magistracy to serve under Sub-Divl Officers under section 14 of the Criminal Procedure Code and to request you to kindly obtain and forward a copy of the rules in the matter from the Govt of Central Provinces, if there is no objection

over

Yours faithfully

General and Revenue Secretariat
( )
the *192*

Date of issue 2/8/27

Signed by

List of enclosures.....

Copied by

Examined by.....

WD 01265—GPB—31,000—24-12-25

25/7 Apr 1927

28/2/27 Secy

APP. F. VI. cl.]

4

SUBJECT.....

.....

.....

Section 6b

File No. 308-26

Serial No. 75

Diary No. of letter replied to.....

No.

To

The Jagir Inspector

General and Revenue Secretariat

( )

the *192*

Date of issue 3/8/27

Signed by.....

with reference to your letter no [illegible] dated [illegible] regarding the formation of committees for selection of honorary magistrates under section 14 of Criminal Procedure Code, I am directed to state that [illegible] in the matter is under consideration of Government.

28/7/27 Secretary

List of enclosures.....

Copied by.....

Examined by.....

over

WD 01265—GPB—31,000—24-12-25

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

5 08694

OFFICE OF THE RESIDENT IN MYSORE,

Bangalore, 14th Sept. 1927.

No. 9385 Enclos. 2
74-1917

Cts 308-26 Pol. Rel

A copy of the marginally* noted letter, with enclosure, is forwarded with compliments, to the ~~Chief~~ Secretary to the Government of H. H. the Maharaja of Mysore, Law Department, for information, ~~with reference to his letter~~ No. Pol. 168/Cts. 308-26, dated the 2nd August 1927.

*No. 1837/1791/V, dated the 2nd September 1927, from the Chief Secretary to the Government of the Central Provinces.

GEN. & REV. SECTT. Rs. 14 SEP. 1927 G. D. SECTION.

RJ 14/9

28/1/29

Major.
Secretary to the Resident.

SJR

P. O. 1251, R. O. 106—30-1-1926—1,600.—R.P.P.

BJ

Letter No. 1837/1791/V., dated the 2nd September 1927, 6
from the Chief Secretary to the Government of the Central -
Provinces, Nagpur, to the Hon'ble the Resident in Mysore,
Bangalore.

---:0:---

Appointment of Honorary Magistrates.

In reply to your letter No.8139/74-1927, dated the 10th August 1927, on the subject mentioned above, I am directed by the Governor in Council to say that no Committee consisting of non-officials has been appointed by this Government for the selection of persons to be appointed as special Magistrates. This Government has recently framed rules for the appointment of Honorary Magistrates under Sections 12 (i) and 15 of the Criminal Procedure Code. The rules do not, however, provide for selection of these Magistrates by a Committee. I am to enclose a copy of the rules for information.

---:0:---

"C O P Y"

REGISTRAR, RESIDENT'S OFFICE.

BJ

Book Circular.

PART V.

Serial No. 5.

SUBJECT.—*Honorary Magistrates.*

1. Courts of Honorary Magistrates should be constituted and maintained only where enough work is forthcoming to justify their existence. Ordinarily no court should be maintained when the magistrate or bench of magistrates has an outturn of less than 75 cases a year. Where the outturn falls below this amount the position should be reviewed and the desirability of closing the court weighed. When it is proposed to close a court for lack of adequate work it should be considered whether the Honorary Magistrate or Magistrates affected should or should not retain powers.

2. Persons recommended for appointment as Honorary Magistrates should be such as will command the respect and confidence of those amongst whom they will work. So far as may be they should be drawn from the various classes in their areas. No person should be recommended who—

(*a*) is less than twenty-five years of age ;

(*b*) is unable to record proceedings in his own hand in the court language of the district or in English ;

(*c*) is unwilling to attend the sittings of the court regularly, or who resides ordinarily at such a distance from the place where the court is held that it is unlikely that he will attend the sittings of the court regularly ; and

(*d*) is not likely with experience to be fit to exercise second class powers.

3. Before recommending any person to be made an Honorary Magistrate, the District Magistrate should make confidential enquiries regarding his suitability from officials and non-officials in a position to give advice in the matter. The grounds for the recommendation should be given demi-officially in the first instance.

4. Honorary Magistrates will be appointed in the first place for a period of three years and their continuance in office will depend on the manner in which they discharge their duties. This fact will not be gazetted, but should be explained to each individual on

appointment. It should also be explained to Honorary Magistrates on appointment that it will be open to them, if they so desire, to appear for the Departmental Examination in Criminal Law and Procedure.

5. Normally, Honorary Magistrates on their first appointment should sit on benches with other Magistrates. Recommendations to empower Magistrates to sit singly should be made only for special reasons.

6. Normally, Honorary Magistrates on appointment should be recommended for third class powers. Recommendations for second or first class powers on first appointment should be made only when the person recommended has previous experience of judicial work; for example retired Extra-Assistant Commissioners, Sub-Judges, Police Officers of gazetted rank, Tahsildars or members of the bar.

7. Ordinarily no Honorary Magistrate who is unable to record proceedings in English should be recommended for the grant of first class powers, whether on first appointment or subsequently.

8. Recommendations for the grant of third class powers should be submitted through the Commissioner and of second and first class powers and of summary powers through the Sessions Judge and Commissioner. Before granting first class powers the local Government will consult the Judicial Commissioner.

9. District Magistrates should fix the order of seniority of Magistrates forming a bench and should revise the order from time to time as occasion requires.

10. District and Sub-Divisional Magistrates should inspect the Courts of Honorary Magistrates within their charges at least once a year. Commissioners and District and Sessions Judges should also inspect these courts when on tour as occasion arises.

11. Ordinarily Honorary Magistrates of the second and third class, whether sitting alone or in benches, should not be empowered under section 190, sub-section (2), of the Criminal Procedure Code to take cognizance of offences upon a police report. In the case of Honorary Magistrates of the first class a wider latitude is permissible, but, generally speaking, it is not desirable that they should be entrusted with important police cases unless they have had previous experience of judicial work, as noted in paragraph 6 above, or have passed the Departmental Examination in Criminal Law and Procedure by the higher standard. In distributing work to Honorary Magistrates under section 17 of the Code of Criminal Procedure, the District Magistrate should keep in view the convenience of the accused and of witnesses and the need for the prompt disposal of business.

12. The following rules for the guidance of benches of Honorary Magistrates have been made by the local Government under section 16 of the Code of Criminal Procedure, 1898, as amended :—

(*a*) The classes of cases to be tried--

I.—Subject to any rules or special orders which may be made or given by the District Magistrate, under section 17 of the Code of Criminal Procedure, the Bench shall take cognizance of all offences which it has been empowered to try under section 190, sub-section (2), of the Code:

Provided that, without the special permission of the District Magistrate, the Bench shall not try any case in which a Government servant is concerned as complainant or accused.

(*b*) The times and places of sitting—

II.—The Bench shall sit at such place and on such days of the week as the District Magistrate may appoint, but it shall not sit on Sundays or on any authorized public holiday. The hours for holding Courts shall ordinarily be from 12 noon to 4 p.m., but the hours may be varied at the discretion of the District Magistrate according to the season and the convenience of the public.

III.—On or before the 25th day of each month the members of the Bench shall draw up and submit for the District Magistrate's approval the roster of duty for the following month.

(*c*) The constitution of the Bench for conducting trials—

IV.—Any number of members of the Bench, not being less than two, shall form a quorum.

V.—Any member of the Bench may attend any sitting and may take part in the proceedings although he is not on the roster for the day.

VI.—Any member of the Bench, who is for sufficient reason unable to attend any sitting of the Bench for which he is detailed by the roster, may arrange with any other member of the Bench to take his place at that sittting.

VII.—Notwithstanding anything contained in rules V and VI no case shall be disposed of except by a quorum of Magistrates who have heard the whole of the evidence. Provided that in complaint cases which have been compromised or withdrawn, final orders may be passed by any member of the Bench.

VIII.—In the trial of ordinary cases the senior member shall generally record the evidence and judgment, but such duty may, with his consent, be performed by any one of his colleagues.

In the trial of summary cases, where the Bench has been invested with summary powers, the prescribed record shall be prepared by the senior member or one of his colleagues, but in every case the record must be signed by each member of the Bench who is present.

(*d*) The mode of settling differences of opinion which may arise between the Magistrates in Session—

IX.—Each member of the Bench shall have a voice in deciding as to the admissibility of evidence and in the finding and sentence. In a Bench of three, or other uneven number of members, the opinion of the majority shall prevail. When a Bench is composed of not more than two members and the members differ in opinion, the senior member shall have a second or casting vote. In the case of a Bench consisting of an even number of members more than two in which opinion is equally divided, the senior member present shall have a casting vote.

X.—If the Bench differ in opinion any dissentient member may write a separate judgment.

XI.—For the purpose of these rules the order of seniority shall be the order fixed from time to time by the District Magistrate.

Govt. ...agar :—No. 798, Ch. Secy.—12-7-27—200.

9

Proceedings of the Govt. of His Highness
the Maharaja of Mysore.

O R D E R No.

Dated Bangalore the 1928.

The question of revising the Rules ~~for~~ regulating the appointment of Honorary Magistrates, the classes of cases to be ~~subject to their jurisdiction and the conduct of trials by them~~ tried by them and the Constitution of the Bench for Conducting trials, has been engaging the attention of Government for some time past.

Having considered the suggestions made by the Representative Assembly in this connection and the directions in which improvement is possible in the light of the rules relating to Honorary Magistrates in British India, -- particularly the rules in force in the Central Provinces, to which the attention of Government has been called, Government are pleased to lay down the following rules in supersession of the existing orders on the subject (vide annexure).

Secretary to Govt.
Law Department.

To

The Registrar, Chief Court under a C.L.

The District Magistrates of Districts.

C.G.

Rules for the appointment and [illegible] of Honorary magistrates

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

1. Courts of Honorary Magistrates should be constituted and maintained only where enough work is forthcoming to justify the existence. Ordinarily no Court should be maintained when the Magistrate or Bench of Magistrates has an out-turn of less than 75 cases a year. Where the out-turn falls below this amount the position should be reviewed and the desirability of closing the court weighed. When it is proposed to close a court for lack of adequate work it should be considered whether the Honorary Magistrate or Magistrates affected should or should not retain powers.

2. Persons recomended for appointment as Honorary Magistrates should be such as will command the respect and confidence of these amongst whom they will work. So far as may be they should be drawn from the various classes in their areas. No person should be recommended who -
   (a) is less than 25 years of age;
   (b) is unable to record proceedings in his own hand in the Kanada court language of the Dist. or in English; and
   (c) is unwilling to attend the sittings of the court regularly or who resides ordinarily at such a distance from the place where the court is held that it is unlikely that he will attend the sittings regularly; and

3. Before recommending any person to be made an Honorary Magistrate, the District Magistrate should make confidential enquiries regarding his suitability from officials and non-officials likely to be in a position to give advice in the matter. The grounds for the recommendation should be given demi-officially in the first instance.

4. Honorary Magistrates will be appointed in the first place for a period of three years and their continuance in office will depend on the manner in which they discharge their duties. This fact will not be gazetted but should be explained to each individual on appointment. It should also be explained to Honorary Magistrates on appointment that it will be open to them if they so desire to appear for the Departmental Examination in Criminal Law and Procedure.

Mysore Forest Service Pleaders' Examination

WP 2280—GPB—1,00,000—28-7-20

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

5. Normally Honorary Magistrates on their first appointment should ~~sit~~ on Benches with other Magistrates.

6. Normally Honorary Magistrates on appointment should be recommended for 3rd class powers. Recommendations for second or first class powers on first appointment should be made only when the person recommended has previous experience of judicial work; for example, Retired Assistant Commissioners, Sub Judges, Police Officers of Gazetted rank, Tahsildars and Members of the Bar.

7. Ordinarily no Honorary Magistrate who is unable to record proceedings in English should be recommended for the grant of first class powers, whether on first appointment or subsequently.

8. District Magistrates should fix the order of Seniority of Magistrates forming a Bench and should revise the order from time to time as occasion arises.

9. District ~~and Sub Divisional Magistrates~~ should inspect the Courts of Honorary Magistrates within their charges at least once a year. ~~Commissioners and~~ District and Sessions Judges ~~should~~ also inspect these courts when on tour as occasion arises.

10. Ordinarily Honorary Magistrates of the Second and Third class, whether sitting alone or in Benches should not be empowered under section 190 (2) of the Criminal Procedure Code to take cognizance of offences upon a police report. In the case of Honorary Magistrates of the First Class a wider latitude is permissible, but generally speaking, it is not desirable that they should be entrusted with important Police cases unless they have had previous experience of judicial work as noted in paragraph (b) above or have passed the Departmental Examination in Criminal Law and Procedure by the high standard. In distributing work to Honorary Magistrates under section 17 of the Code of Criminal Procedure, the District Magistrate should keep in view the convenience of the accused and of witnesses and the need for the prompt disposal of business.

WT 2280—GPS—4,00,000—26-7-20

G. R. S. G/33]

GENERAL AND REVE
SECRETARIAT.

(Continuation sheet draft fo

10 ..

..The following rules for the guidance of Benches of Honorary Magistrates have been made by the Local Government under section 16 of the Code of Criminal Procedure 1908 as amended.

(a) THE CLASSES OF CASES TO BE TRIED.

I. Subject to any rules or special orders which may be made or given by the District Magistrate, under section 17 of the Code of Criminal Procedure, the Bench shall take cognizance of all offences which it has been empowered to try under section 190 sub-section (2) of the Code;

Provided that without the special permission of the District Magistrate, the Bench shall not try any case in which a ~~judicial~~ servant is concerned as complainant or accused.

(b) THE TIMES AND PLACES OF SITTING.

II. The Bench shall sit at such place and on such days of the week as the District Magistrate may appoint, but it shall not sit on Sundays or any authorised public holiday. The hours for holding courts shall ordinarily be from 12 noon to 4 P.M. but the hours may be varied at the discretion of the District Magistrate according to the season and the convenience of the public.

Provided that the bench may hold one or more adjourned sittings, if this is found necessary for the disposal of business or of part-heard cases.

(c) THE CONSTITUTION OF THE BENCH FOR CONDUCTING TRIALS.

The chairman with one other member shall form a quorum. (1).

The Chairman of the Bench for the time being shall be the Magistrate of the highest powers present at a sitting. Where two or more are of equal powers, the Bench may elect its own Chairman provided always that it shall be in the discretion of the District Magistrate, to appoint the Chairman for each time of sitting or generally.

WD 2830—GPE—1,00,000—28-7-29

G. R. S. 27]

GENERAL AND REVE
SECRETARIAT.

(Continuation sheet draft f

It shall be the duty of the chairman to maintain order, conduct the proceedings of the court, and exercise all the functions in that behalf usually exercised by a magistrate when sitting alone. It shall be open to any member of the Bench to put any questions to parties or witnesses, either direct or through the chairman, as the latter may deem advisable, and to suggest any matter for the Chairman's consideration.

IV. no case shall be disposed of except by a quorum of Magistrates who have heard the whole of the evidence. Provided that in complaint cases which have compromised or withdrawn, final orders may be passed by any Member of the Bench.

VIII. In the trial of ordinary cases the ~~senior member~~ Chairman shall generally record the evidence and judgment, but such duty may with his consent be performed by any one of his colleagues.

VI. In the trial of summary cases where the Bench has been invested with summary powers, the prescribed record shall be prepared by the ~~Senior Member~~ Chairman or one of his colleagues but in every case the record must be signed by each Member of the Bench who is present.

(d) THE MODE OF SETTLING DIFFERENCES OF OPINIONS WHICH MAY ARISE BETWEEN MAGISTRATES IN SESSION.

Each member of the Bench shall have a voice in deciding as to the admissibility of evidence and in the finding and sentence. Differences of opinion shall be settled by the votes of the majority of the Magistrates present, the chairman having the casting vote.

Adopt 12 IV
of the C.P. Rules

GPB—12,000—15-2-13.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

Provided that where a majority of Members comprising a Bench are not agreed without allowing a casting vote, on convicting the accused, he shall be acquitted.

X. If the Bench differ in opinion any dissentient member may write a separate judgment.

GPB—20,000—7-7-14

F. VI. Gl.]

15

SUBJECT.....

.....

.....

Section 1.

File No. 308-26.

Serial No. 2

No.

Diary No. of letter replied to.....

To

~~The Secretary to the Board~~

The Registrar

General and Revenue Secretariat

( )

the 192

Sir,

I am directed to state that in the recent session of the R.A. it has been brought to the notice of Govt. that ~~the certain rate-payers~~ in the Central Provinces for the Selection of ~~Bench magistrates~~ persons to be appointed as ~~Bench~~ Honorary Special magistrates to serve on the Bench vide section 14 of the Code of Criminal Procedure, 1904. and to request you to kindly obtain (if necessary) and forward a copy of the Rules for the general information of Govt. if there is no objection.

I have etc.

Date of issue 4/7/27

Signed by Mr Low

Committees are at existing of non-officials are appointed

List of enclosures.....

Copied by.....

Examined by.....

over 27/6

for Secretary

WD 01265—GPB—31,000—24-12-25

26/6/27

N O T I F I C A T I O N.

Typed draft.

Pop 322
CP 308-26-7

9 14.9.28

Under Sec. 16 of the Code of Criminal Procedure 1904, the Government of H.H. the Maharaja ~~of Cochin~~ are pleased to issue the following rules to regulate the classes of cases to be tried and the conduct of trials by Benches of Honorary Magistrates, in supersession of the existing Rules on the subject:-

1. Subject to any orders of the District Magistrate, each Bench shall try such cases or classes of cases as the District Magistrate may, by special or general order, from time to time, direct - Provided that without the special permission of the Dist. Magistrate, the Bench shall not try any case in which a Government servant is concerned as complainant or accused.

2. The District Magistrate shall fix the place and the dates and hours at which the Bench shall sit.

Provided that the Bench may hold one or more adjourned sittings, or work beyond its term, if this is found necessary for the disposal of business or of part-heard cases.

3. The Chairman of the Bench for the time being shall be the Magistrate of highest powers present at a sitting. When two or more are of equal powers, the Bench may elect its own Chairman, provided always that it shall be in the discretion of the District Magistrate subject to such orders as Govt. may pass generally or in each case, to appoint the Chairman for each time of sitting, or generally.

4. The Chairman with one other member shall form a quorum.

Provided that Patels shall not as Hon:

honorary Magistrates try police cases arising within their Patell jurisdiction.

5. It shall be the duty of the Chairman to maintain order, conduct the proceedings of the Court, and exercise all the functions in that behalf usually exercised by a Magistrate when sitting alone. It shall be open to any Member of the Bench to put any questions to parties or witnesses, either direct or through the Chairman, as the latter may deem advisable, and to suggest any matter for the Chairman's consideration.

6. In the trial of the ordinary cases the Chairman shall generally record the evidence and judgment; but such duty may, with his consent, be performed by any one of his colleagues.

In the trial of summary cases where the Bench has been invested with summary powers, the necessary record shall be prepared by the Chairman or one of his colleagues; but, in every case, the record must be signed by each Member of the Bench who is present.

7. Each Member of the Bench shall have a voice in deciding as to the admissibility of evidence and in the finding and sentence. In a Bench of three or other uneven number of members, the opinion of the majority shall prevail. When a Bench is composed of not more than two members and they differ in opinion the Chairman shall have a second or casting vote. In the case of a Bench consisting of an even number of members more than two and their opinion is equally divided the Chairman shall have a second or casting vote. When the Bench differ in opinion any dissentient member may write a separate judgment

18

8. Benches of Magistrates at Taluk headquarters are invested with power to try cases of theft where the value of the property does not exceed Rs. 50/- and those at District headquarters towns with the full powers of a Third Class Magistrate.

Byorder,

Secretary, Law Dept.,

The Compiler, Mysore Gazette.

The Dist. Magistrates of Dists.

Copy,
The Registrar, Chief Court.

Typed Draft

19

C I R C U L A R.

332 - 9
Ch 308-26 - 9
14.7.28
12

The following instructions in the matter of the appointment of Honorary Magistrates are issued for the guidance of District Magistrates in supersession of the existing orders on the subject:-

(1) Persons recommended for appointment as Honorary Magistrates should be such as will command the respect and confidence of those amongst whom they will work. So far as may be, they should be drawn from the various classes residing in the respective areas. Recommendations from Dist. Magistrates should be accompanied by particulars of the nominees in respect of their age, occupation, and status, the community to which they belong, their qualifications for the appointment and such other information as would enable Government to come to a decision as to their eligibility. No person should be recommended

(a) who is less than 25 years of age, or

~~(b) Who is unable to record proceedings in his own hand in English or Kannada,~~

(b) who is unwilling to attend in the sittings of the court regularly or who resides ~~ordinarily~~ at such a distance from the place where the court is held that it is unlikely that he will attend the sittings regularly; ordinarily only persons residing in the station where the ~~bench~~ Court is situated or in such close proximity as to permit of their attending the Court easily without expense or trouble should be selected ~~for nomination as Magistrates.~~

ordinarily those who are able to record proceedings in English or Kannada would be preferred and

May I

Agreed.

If a sufficient number of such persons is not available for the Bench, people residing at some distance from the court may be selected in rare and exceptional cases on the understanding that no allowance will be claimed by them for the expenses of their journey to the court.

2. Before recommending any person for appointment as an Hon: Magistrate, the Dist. Magistrate should make confidential enquiries regarding his suitability from officials and non-officials who are in a position to give independent advice in the matter.

3. The number of Honorary Magistrates appointed for forming Benches at the District Head-quarters (other than Bangalore and Mysore) should not ordinarily exceed 15 and at other places 12.

4. Honorary Magistrates will be appointed in the first place for a period of two years, and their continuance in office will depend upon the manner in which they discharge their duties. This fact will not be Gazetted, but should be explained to each individual on appointment.

5. Unless there is a dearth of suitable persons to be selected for appointment, there should be an occasional change of personnel so that every eligible and competent person may have a chance of serving as an Hon:Magte. instead of the opportunity becoming the monopoly of a few.

6. Ordinarily Honorary Magistrates on appointment should be recommended for 3 Ind

or IIIrd Class powers in the cases of Benches to be constituted at District Head Quarters and for 3rd Class powers only in other cases. Recommendations for First Class powers on first appointment should be made through the Chief Court only when the persons recommended have previous experience of ~~judicial work~~ administration of Criminal Law, e.g. retired Asst. Commrs. Sub-Judges, Police Officers of Gazetted rank, Amildars and members of the Bar.

7. Ordinarily no Honorary Magistrate who is unable to record proceedings in English should be recommended for the grant of first class powers whether on first appointment or subsequently.

8. District Magistrates should fix the order of seniority of the Magistrates forming a bench and should revise the order from time to time as occasion arises. In selecting the Chairman care should be taken to see that he is a person having a sufficient acquaintance with law and procedure.

9. The District Magistrates should inspect the courts of Honorary Magistrates within their charges at least once a year.

B.O

S.A.

Secy.to Govt. Law Dept.,

To

The Dist. Magistrates of Dists.

Copy to Registrar, Chief Court.

TD.

Statement showing the Rules as regards Honorary Bench Magistrates in the Central Provinces and the corresponding Rules that are in force in Mysore.

Rules as in Central Provinces.	Rules as in force in Mysore State.	Assistant Secretary's (Mr. T.Singaruvelu Mudaliar's) suggestions.	Law Secy's Minute-	Member's Orders.
1. Courts of Honorary Magistrates should be constituted and maintained only where enough work is forthcoming to justify the existence. Ordinarily no Court should be maintained when the Magistrate or Bench of Magistrates has an out-turn of less than 75 cases a year. Where the out-turn falls below this amount the position should be reviewed and the desirability of closing the court weighed. When it is proposed to close a court for lack of adequate work it should be considered whether the Honorary Magistrate or Magistrates affected should or should not retain powers.	No specific rules as in Central Provinces. Bench Courts have been established in every Taluk headquarters town in order to provide a cheap machinery for the trial of petty criminal cases except in places where Special Magistrates Courts are located and except in District Headquarter towns even though ~~there is~~ a Special Magistrate's Court may be located. In Mysore there are many courts which have an out-turn of less than 75 cases.	Convenience to parties being one of the reasons for establishing Bench Courts, it is for consideration whether such a rule can be made in Mysore where the separation scheme is in force.	This may be adopted.	
2. Persons recomended for appointment as Honorary Magistrates (1) should be such as will command the respect and confidence of these amongst whom they will work. So far as may be they should be drawn from the various classes in their areas. No person should be recommended who - (2) (a) is less than 25 years of age (b) is unable to record proceedings in his own hand in the	G.O.No.P 6403-10/Cts 65-24 dated 20th May 1925 issues instructions for furnishing particulars as regards age, occupation and status the community, and the qualification etc., when recommending names for appointment as Bench Magistrates.	1 and 6 may be combined together. 4 and 7 also may be combined together. 2 may be adopted. 3 Whether literacy may be insisted upon as ~~in 3~~ is for consideration. It may perhaps be done	Except (d) (1) not may be adopted.	

(4)	sittings of the court regularly or who resides ordinarily at such a distance from the place where the court is held that it is unlikely that he will attend the sittings regularly; and	selection of ~~POWERS~~ persons who are living at easy distances from the court	5 ...
(5)	(d) is not likely with experience to be fit to exercise second class powers.	Only certain Bench Courts at District Headquarter towns exercise second class powers.	

~~RULES OF CENTRAL PROVINCES~~.

3.	Before recommending any person to be made an Honorary Magistrate, the District Magistrate should make confidential enquiries regarding his suitability from officials and non-officials in a position to give advice in the matter. The grounds for the recommendation should be given demi-officially in the first instance.	This is understood is being done by the District Magistrates. Generally no grounds (special) are received except information as regards, age, status, community and qualification.	This may be adopted.
(1) 4.	Honorary Magistrates will be appointed in the first place for a period of three years and their continuance in office will depend on the manner in which they discharge their duties. This fact will not be gazetted but should be explained to each individual on appointment. It should also be explained to Honorary Magistrates on appointment that it will be open to them if they so desire to appear for the Departmental Examination in Criminal Law and Procedure.	As per Notification No.G.11555/ Cts 17-19-42 dated 13th December 1920, the term of appointment is for 2 years only. As regards the passing of Departmental Examination, majority of them who are now selected are old and experienced persons and may not care for passing the examination. Our examination rules will have to be changed for admitting them to sit for the papers.	1. 2 years period may be continued as at present. 2. May be adopted. 3. It may be stated that preferences should be given to those who have passed any examinations in Criminal Law and Procedure.

5. Normally Honorary Magistrates on their first appointment should sit on Benches with other Magistrates. Recommendations to empower Magistrates to sit singly should be made only for special reasons.	Honorary Magistrates on their first appointment are it is understood made to sit on Benches along with other Magistrates. No recommendation has so far been received to empower a Magistrate to sit singly.	This may be adopted. This need not be included in the rules.
6. Normally Honorary Magistrates on appointment should be recommended for 3rd class powers. Recommendations for second or first class powers on first appointment should be made only when the person recommended has previous experience of judicial work; for example, Retired Extra Assistant Commissioners Sub Judges, Police Officers of Gazetted rank, Tahsildars and Members of the Bar.	Except in certain District Headquarter Bench Courts, viz., Bangalore, Mysore, Tumkur, Chikmagalur, Shimoga and Hassan, all the Magistrates for the other Bench Courts are invested with 3rd class powers only. In the case of District Head quarter towns mentioned above, the Honorary Magistrates are given second class powers; but there is no restriction as in Central Provinces.	The C.P. Rule may be adopted.
7. Ordinarily no Honorary Magistrate who is unable to record proceedings in English should be recommended for the grant of first class powers, whether on first appointment or subsequently.	No Bench Courts exercises first class powers.	The rule may be made for guidance when a necessity arises.
8. Recommendations for the grant of 3rd class powers should be submitted through the Commissioner and of second and first class powers and of summary powers through the Sessions Judge and Commissioner. Before granting first class powers the Local Government will consult the Judicial Commissioner.	The Deputy Commissioner and District Magistrate of the District recommends the appointment of persons as third or second class Magistrates. The present procedure may continue.	Recommendations for investiture of powers are to be sent through the Chief Court except in cases where 3rd class powers are to be invested. This instruction may be embodied.
9. District Magistrates should fix the order of seniority of Magistrates forming a Bench and should revise the order from time to time as occasion arises.	The District Magistrates form a Bench every quarter for a Bench Court and direct also who will be the Chairman. The present practice may continue.	The rule may be adopted.
~~10. Divisional Magis~~	It is understood that these	

I agree. This practice is not to my knowledge prevailing anywhere except in U.P. I entertain serious doubt as to the desirability of entrusting these responsible powers to an Hon'y Magistrate & allowing him to exercise the same.

I agree.

This Rule may be adopted.

Yes

10. District and Sub Divisional Magis- [illegible] ... Sessions Judges should also inspect these courts when on tour as occasion arises.

... inspection is held regularly once at least every year.

11. Ordinarily Honorary Magistrates of the Second and Third class, whether sitting alone or in Benches should not be empowered under section 190 (2) of the Criminal Procedure Code to take cognizance of offences upon a police report. In the case of Honorary Magistrates of the First Class a wider latitude is permissible, but generally speaking, it is not desirable that they should be entrusted with important Police cases unless they have had previous experience of xxxx judicial work as noted in paragraph (6) above or have passed the Department Examination in Criminal Law and Procedure by the higher standard. In distributing work to Honorary Magistrates under section 17 of the Code of Criminal Procedure, the District Magistrate should keep in view the convenience of the accused and of witnesses and the need for the prompt disposal of business.

In Mysore all the Bench Courts exercising second and third class powers have been empowered to take cognizance of offences on complaint and on Police Reports. The present practice may perhaps continue.

No hard and fast rule need be made.

12. The following rules for the guidance of Benches of Honorary Magistrates have been made by the Local Government under section 16 of the Code of Criminal Procedure 1898 as amended.

This part of the rule is not necessary as it is not proposed to invest the Honorary Magistrates with first class powers.

(a) THE CLASSES OF CASES TO BE TRIED.		
1. Subject to any rules or special orders which may be made or given by the District Magistrate, under section 17 of the Code of Criminal Procedure, the Bench shall take cognizance of all offences which it has been empowered to try under section 190 sub-section (2) of the Code;	Government have latterly specified the offences in the case of certain Bench Courts, which they can try and in the case of others empowered to take cognizance of all 3rd class cases or second class cases. No new rules seem necessary. The present practice may continue.	The existing rule re. classes of cases triable by Bench Magistrates may continue. The adoption of the proviso is for consideration. Cases in which the Government servant is accused may perhaps not be tried by B.M's without Dt.Magistrate's permission. If they are debarred from trying cases in which Government servant is a complainant, they may not try cases under the Municipal Regulation, Vaccination Regulation etc,
Provided that without the special permission of the District Magistrate, the Bench shall not try any case in which a ~~judicial~~ servant is concerned as complainant or accused.	The inclusion of a rule as in the Proviso to the C.P. rule is however for orders.	
(b) THE TIMES AND PLACES OF SITTING.		
II. The Bench shall sit at such place and on such days of the week as the District Magistrate may appoint, but it shall not sit on Sundays or any authorised public holiday. The hours for holding courts shall ordinarily be from 12 noon to 4 P.M. but the hours may be varied at the discretion of the District Magistrate according to the season and the convenience of the public.	The District Magistrates fix the place, the dates and hours at which the Bench shall sit. (R) This general rule is sufficient.	
III. On or before the 25th day of each month the Members of the Bench shall draw up and submit for the District Magistrate's approval the roster of duty for the following month.	There is no such rule here and as the District Magistrate selects the Members of the Bench, there seems to be no necessity here for any such rule-	This seems to be unnecessary.

not being less than two shall form a quorum.	the Chairman with one other member shall form a quorum. (.).	Our rule is sufficient.
V. Any Member of the Bench may attend any sitting and may take part in the proceedings although he is not on the roster for the day.	There is no such rule here to allow a Magistrate to take part in the proceedings if he is not a Member constituting a Bench.	No necessity, as the D.M. fixes the Bench.
VI. Any member of the Bench who is for sufficient reason unable to attend any sitting of the Bench for which he is detailed by the roster may arrange with any other member of the Bench to take his place at that sitting.	There is no such rule here.	Not necessary for the same reason.
VII. Notwithstanding anything contained in Rules V and VI no case shall be disposed of except by a quorum of Magistrates who have heard the whole of the evidence. Provided that in the complaint cases which have been compromised or withdrawn, final orders may be passed by any Member of the Bench.		This rule may be adopted without the first few words. This will enable a Bench which has not heard a case to dispose of cases compromised or withdrawn.
VIII. In the trial of ordinary cases the senior member shall generally record the evidence and judgment, but such duty may with his consent be performed by any one of his colleagues.	In the trial of ordinary ca the Chairman shall generall record the evidence and jud ment but such duty may with his consent be performed by one of his colleagues.	y No change
In the trial of summary cases where the Bench has been invested with summary powers, the prescribed record shall be prepared by the Senior Member or one of his colleagues but in every case the record must be signed by each Member of the Bench who is present.	In the trial of summary cas the Bench has been investe summary powers the necessar shall be prepared by the Ch or one of his colleagues, b every case the record must signed by each Member of th who is present.	where th - ecords man in ench No change

(d) THE MODE OF SETTLING DIFFERENCES OF OPINIONS WHICH MAY ARISE BETWEEN MAGISTRATES IN SESSION.

IA.	Each Member of the Bench shall have a voice in deciding as to the admissibility of evidence and in the finding and sentence. In a Bench of three or other uneven number of members, the opinion of the majority shall prevail. When a Bench is composed of not more than 2 members and the Members differ in opinion, the senior member shall have a second or casting vote. In the case of a Bench consisting of an even number of members more than two, in which opinion is equally divided the senior member present shall have a casting vote.	Each member of the Bench shall have a voice in deciding as to the admissibility of evidence and in the finding and sentence. Differences of opinion shall be settled by the votes of the - majority of the Magistrates - present, the chairman having the casting vote. Provided that where a majority of Members comprising a Bench are not agreed without allowing a casting vote, on convicting the accused, he shall be acquitted.	No change
X.	If the Bench differ in opinion any dissentient member may write a separate judgment.	There is no such rule here.	May perhaps be adopted.
XI.	For the purposes of these rules the order of seniority shall be the order fixed from time to time by the District Magistrate.	The Chairman of the Bench for the time being shall be the Magistrate of the highest powers present at a sitting. Where two or more are of equal powers, the Bench may elect its own Chairman provided always that it shall be in the - discretion of the District -- Magistrate to appoint the Chairman for each time of sitting or --- generally.	No change and the practice that is in force in Mysore may be continued.